



REPUBLIKA E SHQIPËRISË
PUBLIC PROCUREMENT COMMISSION

ANNUAL REPORT 2016



Content

I. INTRODUCTION	4
II. GENERAL.....	5
1. Structure and staffing.....	6
2. Relations with third parties	Error! Bookmark not defined.
a) Relations with government authorities.....	Error! Bookmark not defined.
b) Relations with institutions outside the country	Error! Bookmark not defined.
III. ACTIVITY OF THE COMMISSION	11
1. General data on the appeals	Error! Bookmark not defined.
2. Reviewed cases and the outcomes of the review	Error! Bookmark not defined.
a) Cases lacking formal conditions.	13
b) Classification of appeals by procedures in 2016	Error! Bookmark not defined.
c) Summary of the decisions in relation to the appeals of the economic operators	16
d) Classification of decisions.....	18
e) Volume of the appeals to the PPC for public procurements compared to the total number of public procurements organized in 2016.....	Error! Bookmark not defined.
f) Appeals and their scope.....	20
g) Contracting authorities, against which there were more appeals.	22
h) Number of appeals divided by months.....	Error! Bookmark not defined.
i) Appeals filed after the expiration of the deadline	Error! Bookmark not defined.
j) Total number of decisions	25
k) Decisions made by the Public Procurement Commission over January – December 2016 and their progress at the court.....	Error! Bookmark not defined.
IV. BUDGET 2016	28
1. Execution of the Public Procurement Commission budget in 2016	Error! Bookmark not defined.
2. Presentations about the sufficiency of funds	Error! Bookmark not defined.
3. Off-budget budget revenues.....	Error! Bookmark not defined.
a) Indicators on the off-budget budget revenues	Error! Bookmark not defined.
V. TABLE OF CHALLENGES WHEN REVIEWING THE APPEALS	34
1. Tender documents and drafting of eligibility criteria not in compliance with the legal provisions.....	Error! Bookmark not defined.

2 .	Inaccurate estimate of legal cost by contracting authorities in cases of the procedures of the <i>procurement for security with private guards</i>	Error! Bookmark not defined.
3.	Failure to respect Article 63 of the PPL in relation to the suspension of the continuation of procurement procedures by contracting authorities until the complete review of the appeals.	35
4.	Challenges encountered during the development of the form of the appeals’ from by the economic operators and correct reflection of the reasons for disqualification ...	Error! Bookmark not defined.
5.	Failure of the contracting authorities to enforce the decisions made by the Public Procurement Commission, through their appeal to court	Error! Bookmark not defined.
6.	Lasting of the appeals’ review	36
VI.	Objectives for the next year	41

I. INTRODUCTION

Annual Report 2016 reflects the progress and operation of the Public Procurement Commission (PPC) throughout the year through a full and general picture about the administrative appeals in the procurement, concession/public private partnership, public auctions procedures, as well as the procedures of providing mining exploitation permits.

Public Procurement Commission as an institution, which has been established under a special law, Law No. 9643, dated 20 November 2006 "*On Public Procurement*", as amended, as provided for by the latter as a *quasi court*, its decision-making implements the key principles of law. Therefore, the basic principles, based on which this body functions, are independence in decision-making and refraining from any kind of impact, transparency, efficiency, effectiveness, argumentation and reasoning of its decisions, which are based on implementation of the law on public procurement, the bylaws pursuant to it, as well as, Law No. 44 / 2015 "*Code of Administrative Procedure of the Republic of Albania*", Law no. 8480, dated 27 May 1999 "*On the functioning of collegial bodies of state administration and public entities*", and Law no. 9131, dated 8 September 2003, "*On the rules of ethics in public administration*".

Even this year, the CPC has strived to provide supervision of law enforcement and public procurement rules as a whole, as well as the respecting of the legal procedures by the contracting authorities, in accordance with law and regulations pursuant to it, where it's worth highlighting the important and indispensable role in terms of the establishment of the standards of judgment and evaluation by the contracting authorities through creating precedents in the interpretation and adjudication of law, regulations and requirements of standard documents of the procurement, concessions, mining permits and auctions procedures.

During this year, the PPC worked hard to achieve the objectives, which are related to the fulfillment of the mission to enhance professional standards across all the main functions of the institution, but also to increase the performance of structures and of the service itself, which the institution delivers, by trying to the maximum extent to deliver it in time, although this year there has seen a record number of appeals filed with the PPC since its creation.

This progress is the result of the work of all the staff members of the PPC who have given their contribution, whether individually or as a group, when performing the job assignments with full responsibility and professionalism.

Finally, being convinced that capacity building of our internal in terms of the fulfillment of the mission and scope of activity, the continued interaction with the contracting authorities, increased cooperation and mutual trust with all structures and strengthen cooperation and increasing of confidence in operators economic and stakeholders in a competitive procedure are very important in relation to the progress of our work and enhancement of standards in an increasing manner.

II. GENERAL

Legislation, on which the activity of the Public Procurement Commission was based on in 2016, in the area of public procurement, concessions, public auctions and mining permits, is as follows:

- **In the area of public procurement:**

- Law No. 9643 of 20 November 2006 "*On public procurement*", as amended;
- Decision of the Council of Ministers No. 1 of 10 January 2007 "*On the rules of public procurement*", as amended;
- Decision of the Council of Ministers No. 184 of 17 March 2010 "*On the adoption of the Regulation "On the organization and functioning of the Public Procurement Commission, and on some amendments and additions to Decision of the Council of Ministers No. 659, dated 03 October 2010 "On the adoption of the rules of procurement with electronic means"*", as amended upon the Decision of the Council of Ministers No. 122, dated 22 February 2012;
- Decision of the Council of Ministers No. 261, dated 17 March 2010 "*On setting the fee and the rules of its payment, in a appeal procedure, to the Public Procurement Commission*".

- **In the area of concessions:**

- Decision of the Council of Ministers No. 401, dated 13 May 2015 "*On setting the fee and the rules for its payment in a procurement procedure of Concession/Public Private Partnership, to the Public Procurement Commission*";
- Decision of the Council of Ministers No. 268, dated 18 April 2012 "*On the conducting the competitive procedures of granting the concessions in an electronic manner*";
- Law No. 125/2013 "*On Concessions and Public Private Partnership*", as amended;
- Decision no. 575, dated 07.10.2013 of the Council of Ministers "*On Approval of Rules for Evaluation and concession / Public Private Partnership*", as amended;
- Decision of the Council of Ministers No. 634, dated 01 October 2014 "*On the approval of rules for the evaluation and awarding of the public works and services for construction, operation, maintenance and rehabilitation of national roads by concession/Public Private Partnership*", as amended.

- **In the area of auctions:**

- Law No. 9874, dated 14 February 2008 "*On public auction*", as amended;
- Decision of the Council of Ministers No. 1719, dated 17 December 2008 "*On the adoption of public auction rules*";
- Decision of the Council of Ministers No. 33, dated 19 January 2011 "On approval of the regulation "*On the review procedure by the Public Procurement Commission of the appeals against the auction procedures or decisions for exemption from these procedures*", as amended upon the Decision of the Council of Ministers No. 120, dated 22 February 2012;

- Council of Ministers Decision No. 56, dated 19 January 2011 *"On setting the fee and its payment rules in an appeal procedure against the public bidding procedures or against the decisions to exclude from them, as filed with the Public Procurement Commission"*.
- **In the area mining permits:**
 - Law No. 10304, dated 15 July 2010 *"On the mining sector in the Republic of Albania"*;
 - Decision of the Council of Ministers No. 942, dated 17 November 2010 *"On the approval of the procedures and documentation for obtaining mining permits in open areas"*;
 - Decision of the Council of Ministers No. 320, dated 24 April 2011 *"On the approval of the procedures and criteria of competition and the terms of reviewing the applications for mining permits in competitive areas"*.
 - Decision of the Council of Ministers No. 301, dated 20 April 2016 *"On some amendments and additions to the Decision the Council of Ministers No. 320, dated 21 April 2011, "On the approval of the competition procedures, criteria and deadlines of reviewing the requirements for obtaining mining permits in competitive areas"*.

1. Structure and staffing

Pursuant to Article 19/6 *"On the structure and staffing of the Public Procurement Commission"* of Law no. 9643, dated 20 November 2006 *"On Public Procurement"*, as amended, the structure and staffing of the Public Procurement Commission are established by an Order of the Prime Minister. Additionally, the basic functions of staff (inspectors), part of the structure of the Public Procurement Commission, are described in Article 6/1, Paragraph 6, Article 7, Paragraph 1, Article 22 of the Decision of the Council of Ministers No. 184, dated 17 March 2010 *"On the adoption of the regulation "On the organization and functioning of Public Procurement Commission"* and *"On some amendments to the Decision of the Council of Ministers No. 659, dated 03 October 2007" On Approval of rules of public-procurement by electronic means "*, as amended.

Under Prime Minister's Order No. 35, dated 01 March 2016, *"On the approval of the structure and staffing of the Public Procurement Commission"*, as well as under Law No. 152/2013 *"On the civil servant"*, as amended, as well as Decision of the Council of Ministers No. 125, dated 17 February 2016, *"On the temporary and permanent transfer of civil servants"*, the Public Procurement Commission has undergone in 2016 a restructuring process due to the adoption of the new structure. The structure and staffing of the Public Procurement Commission, referring to the prior structure, has a total of 22 staff members, 5 of which are members of the Commission, who are not part of the civil service (1 chairman, 1 vice chairman and 3 members), 15 are civil servants, and 2 are not part of civil service.

The reorganization resulted in increasing the number of inspectors of the Public Procurement Commission from 7 inspectors referred to the previous structure, as approved by the Prime

Minister's Order No. 32, dated 26 March 2013 "On approval of the structure and staffing of the Public Procurement Commission", to 9 inspectors. The position of Inspector in the Directorate of Appeals Review was restructured in the sense of Paragraph 13, Subparagraph "b" of the Decision of the Council of Ministers No. 125, dated 17 February 2016 "On the temporary and permanent transfer of civil servants". Referring to the structure as approved by the Prime Minister's Order no. 35, dated 01 March 2016 "On the approval of the structure and staffing of the Public Procurement Commission" the inspectors pass under the direct dependency of the Chairman of the Public Procurement Commission. Additionally, the position of a specialist/lawyer is added to the Support Services Sector.

The adoption of the new structure of the Public Procurement Commission has been followed also by the approval of the job description for each position of the new structure reflecting the changes to the qualification criteria in the sense of Paragraph 13, Subparagraph "c" of the Decision of the Council of Ministers No. 125, dated 17 February 2016 "On the temporary and permanent transfer of civil servants", for the position of Inspector of the Public Procurement Commission, as well as the Sector Specialist Lawyer of the Support Services. In the case of the position of the inspector of the Public Procurement Commission, changes for the special requirements, education, are reflected, where training is required as follows: "Master of Science in Law/Trade. Bachelor degrees also should be in the same field"

Table 1: Structure and staffing of the PPC

POSITION	Number of staff
Chairman	1
Secretary	1
Deputy Chairman	1
Member	3
Inspector	9
Supporting Services Sector	7
Head of Sector	1
Specialist (IT)	1
Specialist (finance/budget)	1
Specialist (archive/protocol)	1
Specialist (lawyer)	2
Cleaning staff	1
Head of Sector	1
Total number of staff	22

Figure 1 Organization chart of PPC

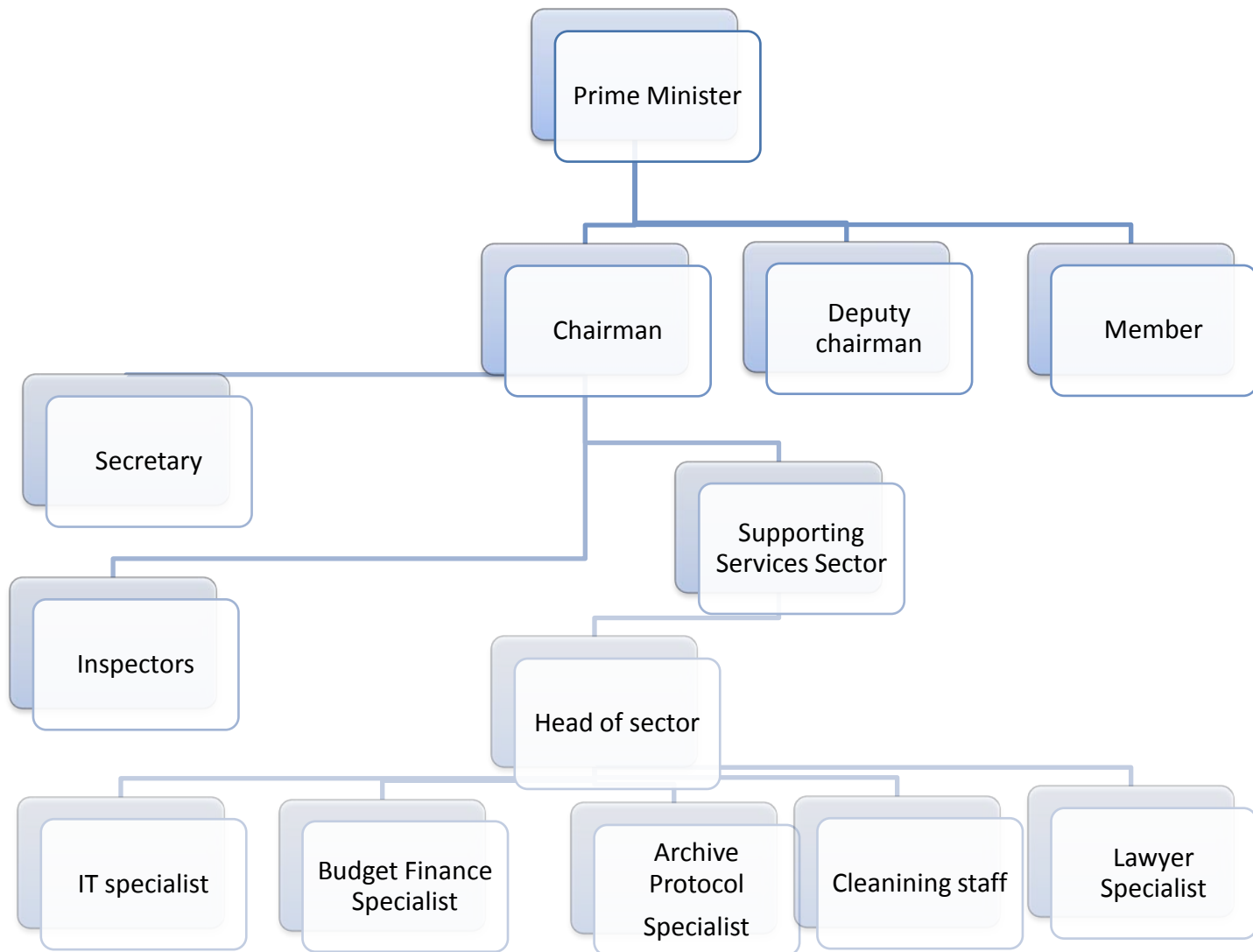


Table 2: Categorization of job positions of the Public Procurement Commission

Function	Number of staff	Category/Class
Chairman	1	II- a (Decision of the Council of Ministers no. 542, dated 11 August 2011, as amended)
Secretary	1	Class VIII (Decision of the Council of Ministers No. 717, dated 23 June 2009, as amended)
II. Deputy Chairman	1	II-b (Decision of the Council of Ministers No. 545, dated 11 August 2011, as amended)
III. Member	3	II-b (Decision of the Council of Ministers No. 545, dated 11 August 2011, as amended)
Inspector	9	III-b (Decision of the Council of Ministers No. 545, Decision of the Council of Ministers no. 545, dated 11 August 2011, as amended)
V. Supporting Services Sector		
Head of Sector	1	III-a/1 (Decision of the Council of Ministers no. 545, dated 11 August 2011, as amended)
IT Specialist	1	IV-a (Decision of the Council of Ministers No. 545, dated 11 August 2011, as amended)
Finance/Budget Specialist	1	IV-a (Decision of the Council of Ministers No. 545, dated 11 August 2011, as amended)
Archive/Protocol Specialist	1	IV-b (Decision of the Council of Ministers No. 545, dated 11 August 2011, as amended)
Specialist/Lawyer	2	IV-a (Decision of the Council of Ministers no. 545, dated 11 August 2011, as amended)
Cleaning staff	1	Class I/1 (Decision of the Council of Ministers No. 717, dated 23 June 2009, as amended)
Total 22 employees		

During 2016 like in previous years, investment was made on the management of the institution in the most effective possible, as well as on the human resource management and their further training.

2. Relations with third parties

a) Relations with third parties

Public Procurement Commission has collaborated during the 2016 with the Ministry of Integration and reported to it in the frame of the National Plan for the Implementation of the Stabilization and Association Agreement in connection with the designated tasks to efficiently meet EU guidelines in the field of public procurement.

When exercising its legal duties, the Public Procurement Commission has cooperated with the Public Procurement Agency where the Public Procurement Commission (hereinafter PPC) has carried out the following under the provisions of the public procurement legislation:

- It has notified the Public Procurement Agency in cases of making decisions to suspend the procurement procedures so that the decisions could be reflected in the electronic procurement system to suspend further procedures by the contracting authorities.
- The PPC has notified the Public Procurement Agency in cases of legal violations by the contracting authorities where the latter has proposed administrative measures

The Public Procurement Commission has operated on regular basis with the contracting authorities by asking information from them in order to achieve a full administrative investigation, part of which has been also the organization of hearings with the contracting authorities and the complaining economic operators.

b) Relations with institutions outside the country

Cooperation with foreign institutions already is part of the work of the Public Procurement Commission. Several trainings were organized during the year to build the professional capacities of staff members, who were familiarized and exchanged experience on best practices in the field of public procurement, but also got acquainted with the newest developments in the procedural field of EU countries and better ways and methods of institutions' management. Organization of a series of trainings in collaboration with international partners was among the activities carried out by the Public Procurement Commission in 2016.

3. Website

All information on the functioning of the Public Procurement Commission is published in the official website of the institution and it's easily accessible by everyone. In respect of the law no. 119/2014 "*On the right to information*" and Article 23 of the Constitution, "*everyone shall have the right, under the law, to get information about the activity of state bodies ...*" (paragraph 3), the Public Procurement Commission has made available to the public for more than five years its official website (www.kpp.gov.al), in which it publishes all its activity in terms of its decision-making, and any other information related to it, thus fulfilling in this way its legal obligations

towards citizens on institutional transparency.

By accessing the official website all interested parties can be informed about the daily work of the PPC. To enhance transparency, the PPC has also publishes all manners of the institution functions, the estimated budget, the organization, the structure and working hours, address of institution, contact numbers (telephone and fax) and e-mail address. All updated published Albanian legislation in the field of the procurements, concessions, auctions and mining permits can be easily found in this portal. In order to assist also the foreign nationals concerned, this portal was set up also in English.

III. ACTIVITY OF THE COMMISSION

1. General data on the appeals

A total of 1,393 appeals of public procurement, concessions, mining permits and auctions were registered and reviewed during 01 January 2016 - 31 December 2016 by the Public Procurement Commission. A significant increase of the number of administrative appeals filed with the Public Procurement Commission was noticed during the 2016 compared with the previous reporting year. Specifically, 1,124 appeals were filed with the Public Procurement Commission in 2015. When comparing the number of appeals reviewed in 2016, an increase of about 19.4% over those of 2015 can be noticed. The largest number of appeals filed with the Public Procurement Commission was in March 2016, where 214 appeals were received, followed by April with 186 appeals and February with 184 appeals. January 2016 was the month with the smallest number of appeals when 50 appeals were received. Compared to the previous year (2015) again March is the month with the largest number of (192-2015), followed by April (162-2015 appeals).

In 2016 there were two appeals, for which there is no merits decision and, which were suspended appeals because of decisions/actions of the procedural court bodies.

After reviewing the appeals received in 2016 and appeals carried over from 2015, the Public Procurement Commission has made during 2016 1001 merits decisions. Out of the total of the decisions made by the Public Procurement Commission in the reporting period, 70 were decisions on the pending appeals carried forward from 2015 and 931 were decisions on the appeals of 2016.

The largest number of appeals challenging the decisions of contracting authorities regarding drafting of tender documents and decisions on the evaluation of the bids was filed with the Albanian Post Ltd in the capacity of a contracting authority with 85 appeals, followed by the Directorate General of Taxation with 35 appeals and the Ministry of Social Welfare and Youth with 33 appeals. Compared with the prior reporting period (2015), there was an increasing number of appeals filed against the decisions of the Albanian Post Ltd in the capacity of a contracting authority with 5 more appeals, while 4 more appeals were filed with the General Directorate of Taxation in the capacity

of the contracting authority, as well as 23 more appeals were filed with the Ministry of Social Welfare and Youth in the capacity of the contracting authority, whereas there was a reduction by 12 of the number of appeals filed against the decisions of the Power Distribution System Operator Ltd in the capacity of the contracting authority.

During the decision in 2016, the Public Procurement Commission, continued consolidation of the practice in terms of dealing with appeals filed after the expiry of the deadline by taking into account the fact that the respecting of deadlines (the appeals' deadline among them), is of a fundamental importance and with direct impact on the efficiency of the procedure, that's why it has strictly adhered to the provisions as provided for by Law no. 9643, dated 20 November 2006 "*On Public Procurement*", as amended.

During 2016, the Public Procurement Commission decided to reject 51 appeals, because they were filed with the PPC and/or the contracting authorities after the deadlines had expired. Referring to the total appeals filed after the expiry of the deadline, it comes out that **39%** of them belong to the **last quarter** of the year (October, November, and December), **21% to the first quarter** of the year, **20% to the second quarter** and **20% to the third quarter**.

During 2016, the highest number of appeals filed with the Public Procurement Commission was the appeals about procurement procedures for the delivery of the service of personal physical security and escorting of monetary values to a total of 844 appeals out of 1393 or 60.5% of total appeals filed with the Public Procurement Commission.

49.03% of the appeals filed in 2016 were granted by the Public Procurement Commission, against 50.83% of the appeals, which were rejected, while there is no merits decision for only 0.0014% of the total appeals (2 appeals).

The highest number of appeals filed with the Public Procurement Commission was against the procurement procedures with the limit fund of 1, 000, 0001-5,000,000 Albanian Leks without VAT. This included a total of 752 appeals, which is 53.98% of total filed appeals. The lowest number of appeals filed with the Public Procurement Commission was against the procurement procedures with the limit fund of 0- 1,000,000 without VAT. This included 49 appeals, that is 3:52% of total filed appeals. Additionally, 61 appeals, which is 4:38% of total filed appeals, were filed against the procedures with a limit fund of 100,000,001 Albanian Leks without VAT.

Reviewing of the appeals within the deadline in 2016 was a challenge. More specifically, it results that 72% of appeals were reviewed (a final decision was made) beyond the deadline provided for by the special law, while 28% of appeals were reviewed (a final decision was made) within the deadline.

2. Reviewed cases and the outcomes of the review

a) Cases lacking formal conditions

When exercising its functions, which are defined by the Decision of the Council of Ministers no. 184, dated 17 March 2010, "*On the approval of the Regulation "On the organization and functioning of the Public Procurement"*", as well as in its internal regulations, Public Procurement Commission carries out the preliminary examination of the at the formal conditions of the appeal at the time of its filing where it verifies the following:

- a) Administrative jurisdiction and subject-matter jurisdictions of the Committee;
- b) Legal standing of the appellant;
- c) Compliance with legal deadlines of the appeal;
- d) The essential elements of the appeal in relation to its content.

2 cases (appeals) lacking formal conditions (i.e., without payment of the fee respectively) were found during the PPC activities, which were carried out during 2016.

b) Classification of appeals by procedures for 2016

For more detailed information about the appeals handled by the Public Procurement Commission, their number is provided in the following part of the report in order to present more detailed information, divided by areas, in a statistical form. As in previous years, the highest number of appeals were those of public procurement procedures, a total of 1,387 appeals, while five appeals were filed for public auction procedures, 1 appeal was filed for the award of concession/ private public partnership procedures, whereas there were no appeals about procedures of granting mining permits.

Table 3 Classification of appeals by procedures

TOTAL APPEALS	1393	100 %
Public Procurements	1387	99.5%
Concessions	1	0.1%
Auctions	5	0.4%
Mining permits	0	0

When divided in percentage, the appeals against public procurement procedures occupy 99.5% of total appeals, appeals against concession procedures occupy 0.1%, and appeals against auction procedures occupy 0.4%, while appeals against the procedures of granting mining permits occupy 0% of the appeals.

Pursuant to Article 64 paragraph 3 of Law no. 9643 dated 20 November 2006 "On public procurement" as amended, before concluding the contract, the Public Procurement

Commission, when it finds that a decision or action of the contracting authority has violated any of the provisions of this law, is entitled to the following: a) issue an interpretation of the rules or legal principles that should be applied to the scope of the complaint; b) fully or partially cancel an a contracting authority's act or a decision, which is made in violation of the law. This includes the right to remove all technical specifications or other types of specifications that are inconsistent with the law; c) instruct the contracting authority to remedy violations and then proceed with the contract award procedure; d) order cancellation of the contract award procedure. After signing the contract, when the Public Procurement Commission considers that a decision or action of the contracting authority is inconsistent with any provision of this law, then the PPC is entitled to the following: a) issue an interpretation about the rules or legal principles that should apply to the scope of the complaint; b) make a declaratory decision, based on which the court may compensate the appellant, who has suffered loss or damage as a result of violation of the law.

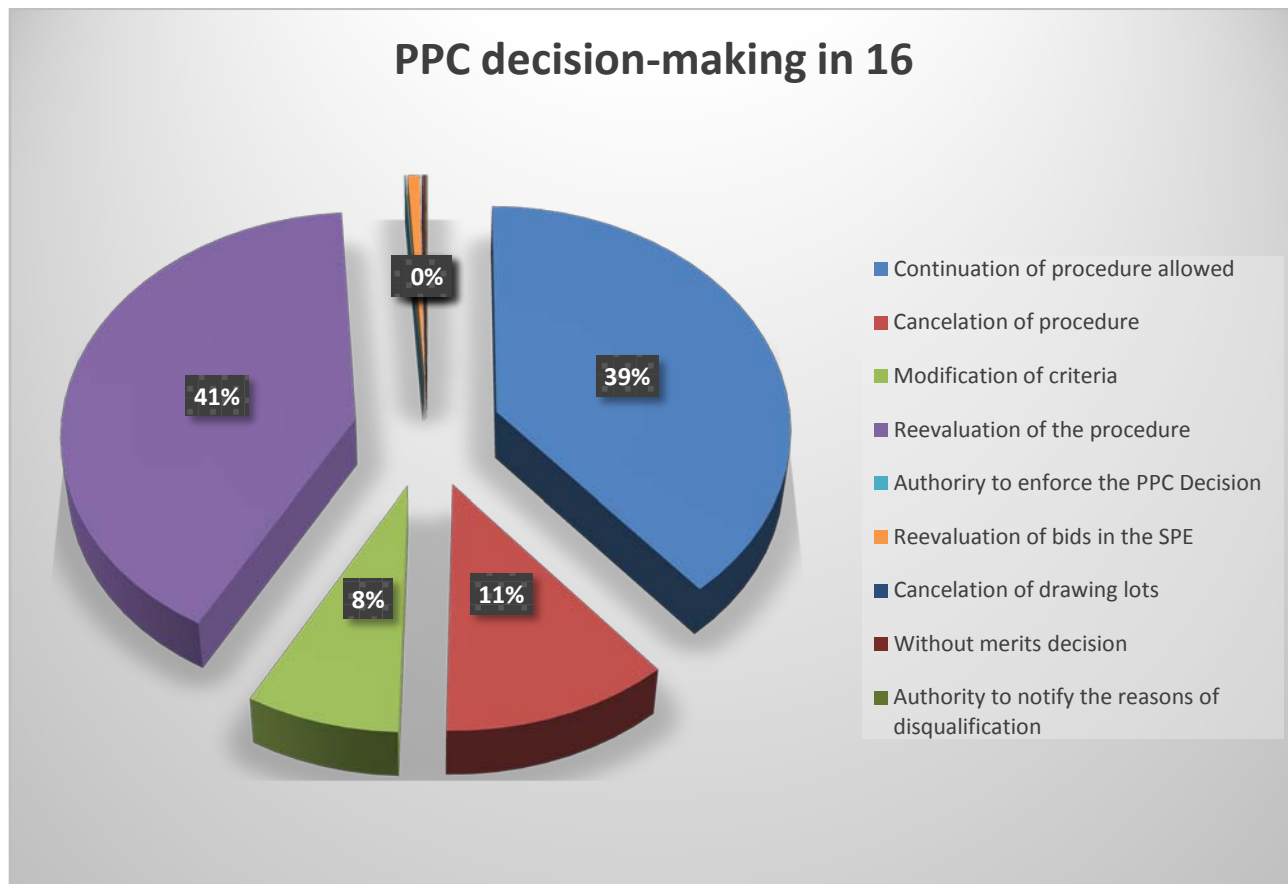
Referring to the statistical data of the reporting period, it's ascertained that during 2016 the Public Procurement Commission has decided cancellation of procedures in 161 cases while in 541 cases it has decided to allow the contracting authority to continue the next steps of the procedures. In 568 other cases of the Public Procurement Commission has decided revaluation of competitive procedures (procurement, auctions, concessions/PPP).

A high number of appeals were filled with the Public Procurement Commission by the legitimate entities, which challenged the drafting of specific qualification criteria, and technical specifications in public procurement/auction procedures. At the conclusion of the review, the Public Procurement Commission has decided in 108 cases the modification of specific qualification criteria/technical specifications by granting the appeals of the economic operators. The following analytic table shows the data regarding appeals and decision of the PPC.

Table 4: Statistical data on the PPC decision-making

Month	Continuation of procedure allowed	Cancellation of procedure	Reevaluation of the procedure	Modification of criteria	Contracting authority to enforce the PPC Decision	Contracting authority to make the evaluation in the EPS	Drawing lots to be cancelled by the Contracting Authority	Contracting Authority to notify the reasons of disqualification	Granted	Rejected	Not reviewed	Total
January	26	2	19	2					32	17	1	50
February	52	12	99	21					95	89		184
March	56	37	102	19					108	106		214
April	77	21	69	16		1		1	86	99	1	186
May	52	39	59	6					81	75		156
June	39	23	59	10	1	7			83	56		139
July	55	7	49	7					54	64		118
August	47	7	30	3					33	54		87
September	43	1	37	3			1		34	51		85
October	27	5	21	11		1			37	28		65
November	34	2	15	2					16	37		53
December	33	5	9	8		1			24	32		56
Total	541	161	568	108	1	10	1	1	683	708	2	1393

Table 5: Statistical data of the PPC decision-making in %



c) Summary of the decisions in relation to the appeals of the economic operators

Public Procurement Commission reviewed 1393 administrative appeals in 2016. Depending on the adjudication of the case, these decisions are divided into "granted" and "refused". Regarding cases when the Commission has decided to grant an appeal, it's judged that the claims of the complaining economic operators were fair and legally supported, while regarding cases where PPC decided to reject the appeal, the judgment is divided into two forms:

- The appeals, which lack fulfillment of formal requirements for filing an appeal;
- The appeals, in which the claims of the complaining economic operators are unsubstantiated and legally unfounded.

After reviewing the appeals, the Commission has made decisions according to the following table:

a) Table 6: Summary of the decisions in relation to the appeals of the economic operators

	Nr	%
Granted appeals	683	49
Rejected appeals (legally unjustified by the Economic Operator)	708	51
Total appeals	1393	100

Public Procurement Commission in 2016 received 683 appeals or 49% of appeals and it has rejected 708 appeals or 51% of them due to failure to comply with the formal conditions and as legally unfounded appeals.

The graphical presentation below is a summary of decisions regarding the appeals of economic operators:

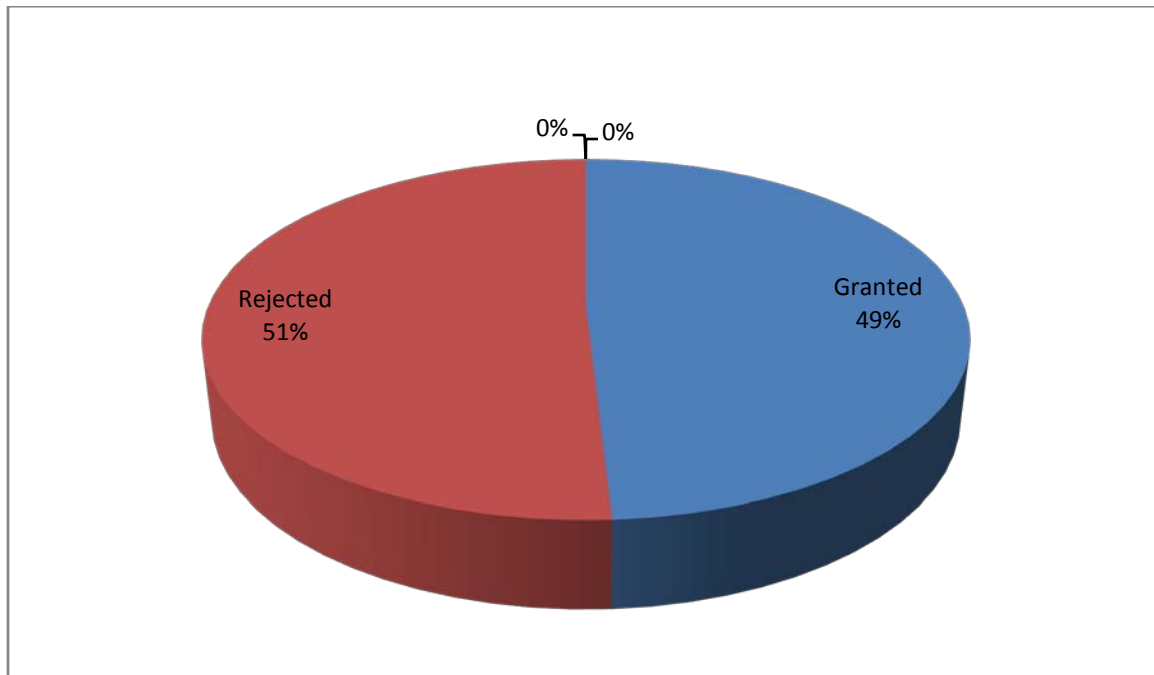
Table 7: The granted/rejected appeals ratio

Table 8: Summary of decisions regarding appeals about two highest levels of limit fund set out filed with the PPC in 2016.

Decisions on appeals with the range of the limit fund without VAT over 50.000.001	Range 50.000.001-100.000.000	Range >100.000.001
Number of appeals for each range	64	61
Granted appeals	39	19
Rejected appeals	24	41
Without a decision	1	1

b) Classification of decisions

While performing its activities in 2016 the Public Procurement Commission has observed in many cases illegality of the actions or omissions of contracting authorities, and consequently this has led to the full or partial cancelation of the decisions and the actions of these authorities. In certain cases it has requested the launch of an administrative investigation by the Public Procurement Agency.

The PPC has requested in many decisions, which have been made with regard to the requirements of operators against the tender documents, the modification of the criteria when the latter have conflicted significantly with the law or violated equality of competition, creating discrimination of economic operators in the public procurement procedures, concessions, public auctions and mining permits.

In the frame of carrying out its tasks, the Public Procurement Commission has increasingly made well-grounded decisions, which are based on laws in force, for all the filed appeals. Accordingly, the Commission has decided to dismiss the review when the appeals were unfounded legally, the claims of economic operators have resulted to be ungrounded and the scope of the review has ceased to exist, that is to say, in cases where proceedings were canceled under the legal provisions or when the appellant had withdrawn from the appeal.

In all cases, the Commission has instructed the contracting authorities through its decisions about legal steps to be taken, and it has notified them by means of the reasoning of its decisions about the observed violations. The Commission decisions don't lacking legal interpretations referred to the encountered problems, thus creating valuable precedents to be applied by the contracting authorities.

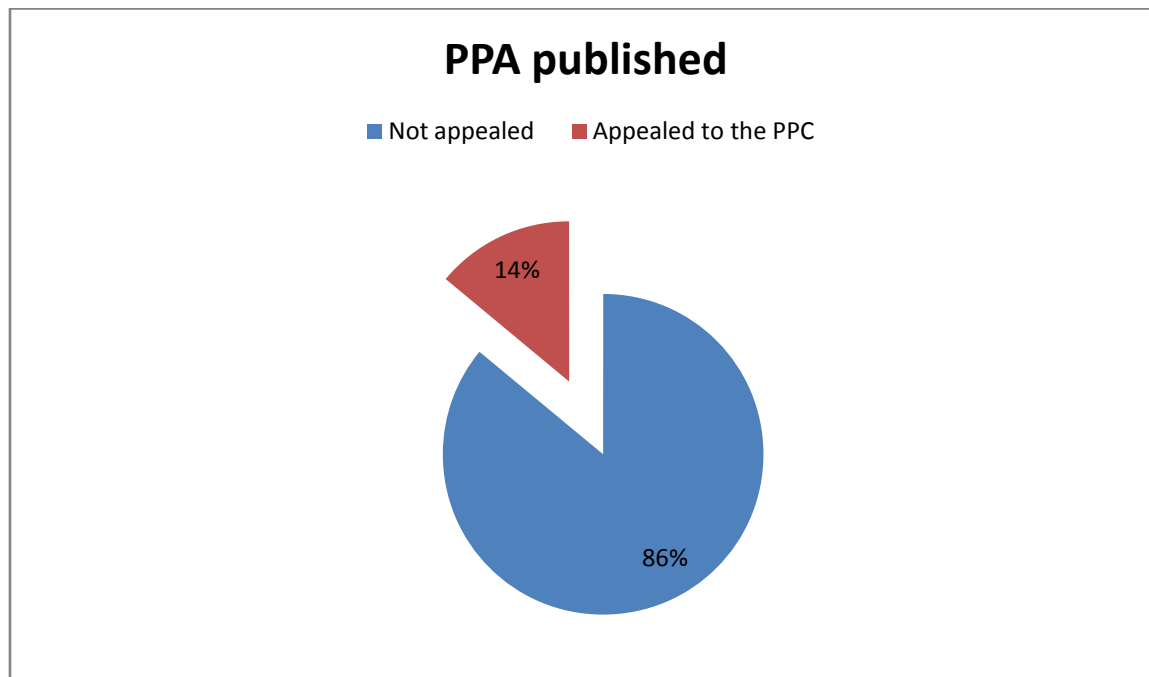
Below is the statistics of the classification of appeals by the relevant decisions of the Public Procurement Commission.

Out of the total number of appeals in 2016:

- In 39% of cases it is allowed to continue the procedure, because the Commission found no violations in the evaluation of procedure by the contracting authority;
- In 11% of cases violations of legal procedures were found and the Commission decided to canceled the procedure;
- In 41% of the case the contracting authority was asked to perform reevaluation of the procedure, because of the violations found in the evaluation and procedure, which were alleged by the appealing economic operators;
- Discriminatory and legally ungrounded criteria were found in 8% of the cases referred to the claims of the appealing economic operators and, therefore the contracting authorities were asked to modify them.

e) Volume of appeals to the PPC for public procurements compared to the total number of public procurements organized in 2016

During 2016, the Public Procurement Agency published 1.416 procurement procedures for obtaining "*Service*" public contracts, 2,507 procurement procedures for obtaining "*Supplies*" public contracts and 1.186 procurement procedures for obtaining "*Civil works*" public contracts. A total of **5,109** procurement procedures were published. Out of 5,109 procedures published by the Electronic Procurement System, for which an appeal may be filed with the Public Procurement Commission pursuant to Article 38 and 63 of Law no. 9643, dated 20 November 2006, "*On Public Procurement*", as amended, 714 procedures have been appealed at the PPC, which correspond with 1393 handled appeals, or 14% of total procedures published in the EPS.

Table 9: Total procedures published in the report as appealed and not appealed

f) Appeals and their scopes

During 2016, the highest number of appeals submitted to the Public Procurement Commission was the appeals about procurement procedures for the delivery of the service of personal physical security and escort of monetary values with a total of 844 appeals out of 1393 or **60.6%** of the total appeals filed with the Public Procurement Commission. The largest number of appeals filed by the private physical security companies was in March with 172 appeals, then February with 166 appeals, followed by April with 123 appeals, May with 102 appeals, June with 78 appeals, July with 65 appeals, September with 39 appeals, August and October with 24 appeals, January with 21 appeals, November with 17 appeals and December with 13 appeals. For purposes of issuing statistical data, the reporting year is divided into 4 (three months) periods for analyzing the data. It turns out that the highest number of appeals about service procedures for obtaining private security guards and escorting the monetary value is filed in the first quarter of the year, while the lower number is filed in the fourth quarter of the year. In the meantime, the highest number of other appeals (including concessions/PPPs and auctions) is filed in the second quarter of the year.

Table 10: Ration of the number of appeals about private service delivery of physical security compared to other procedures

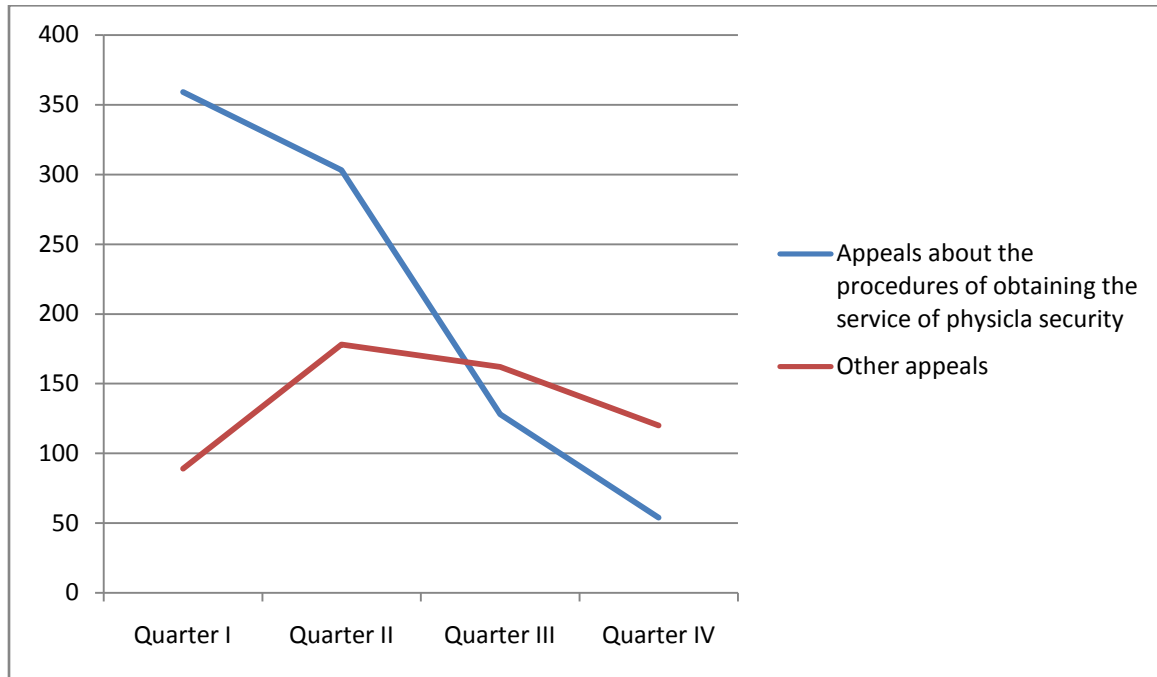


Table 11: Analytical data by months

Month	Service with guards	Purchase/ITC/Air tickets//Waste disposal and services of 3 D/Supplies/Installations/# Materials/Works supervision / Maintenance / Constructions / Equipments/etc.
January	21	29
February	166	18
March	172	42
April	123	63
May	102	54
June	78	61
July	65	53
August	24	63
September	39	46
October	24	41
November	17	36
December	13	43
Total	844	549

g) Contracting authorities, against which there were more appeals.

This Annual Report, as in previous years, will present the cases handled by the Public Procurement Commission, divided by the respective institutions, and other bodies or entities of the Albanian Public Administration subordinated to them, to which the appeal is addressed.

Number of appeals reviewed and divided by institutions for 2016 was as follows:

Table 12: List of contracting authorities, against which there were more appeals

1	Albanian Post	85
2	Directorate General of Taxation	35
3	Ministry of Social Welfare and Youth	33
4	Power Distribution System Operator	29
5	National Agency of Protected Areas	29
6	Albanian Power Corporation	28
7	Mother Teresa University Hospital	22
8	Albanian Road Authority	21
9	Ministry of Interior	18
10	Tirana Water Supply and Sewerage	16
11	National Circus	13
12	Northern Region Directorate of Shkodra	13
13	Albanian Radio Television	13
14	Ministry of Agriculture, Rural Development and Water Management	12
15	Ministry of Health	12
16	University of Arts	11
17	CIPRO	11
18	Directorate General of City Workers No. 1,2,3	15
19	ALUIZNI Tirana	10
20	Ministry of Energy and Industry	10
21	Municipality of Tirana	10
22	National Agency for Information Society	9
23	Ministry of Education and Sports	9
24	Ministry of Finance	9

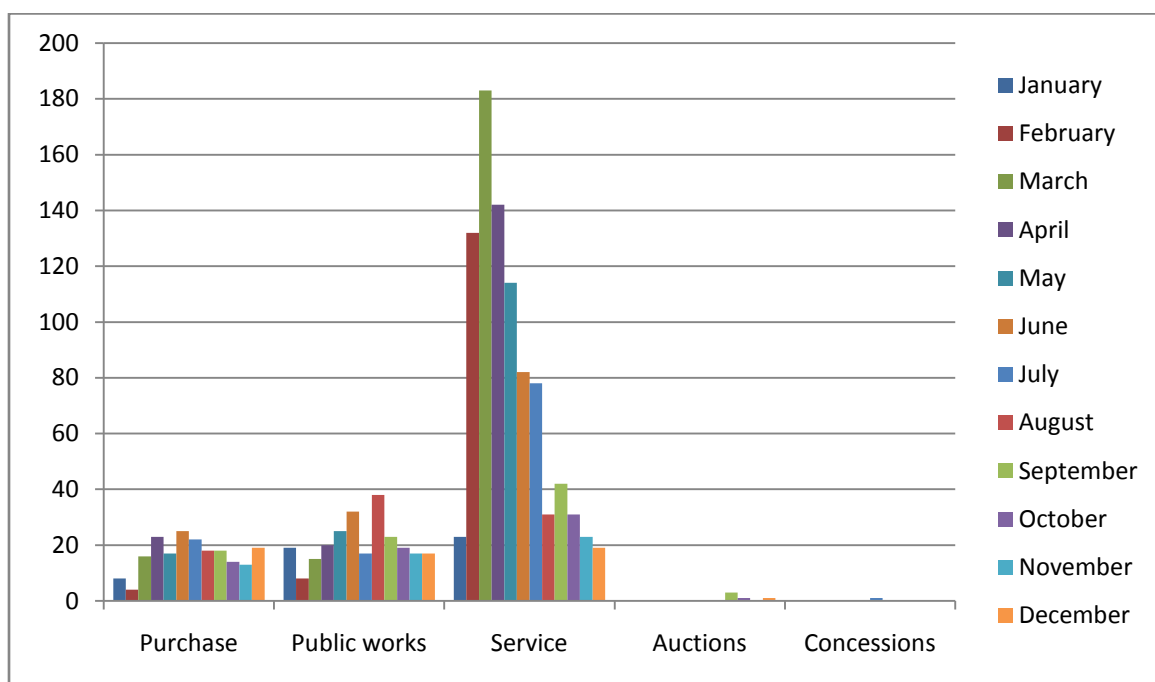
As noted, in 2016 the contracting authority with the largest number of appeals appears to be Albanian Post ltd and the contracting authority with the lowest number of appeals appears to be the National Agency for Information Society, Ministry of Education and Sports and Ministry of Finance.

h) Number of appeals divided by months

Just like other years, during 2016 the number of appeals was different by each month. The largest volume of appeals was from March to August, which coincides with the volume of work on the use of budgetary funds. Referring to the table, 214 appeals were filed with the Public Procurement Commission in March submitted, 186 appeals in April and 184 appeals in February. The lowest number of appeals was filed in January with 50 appeals, in November with 53 appeals and in December with 56 appeals.

In graphic form, the flow of appeals divided by months and scopes (purchasing, public works, services, auctions and concession in 2016 is as follows:

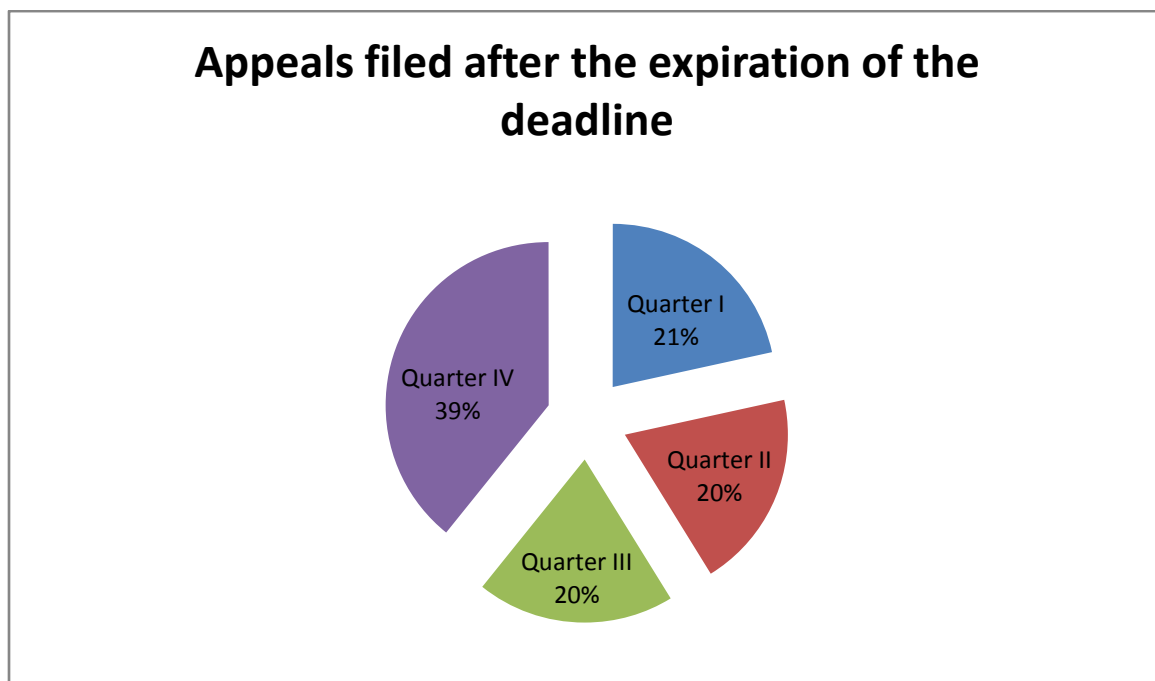
Table 13: Appeals by months and scope



i) Appeals filed after the expiration of the deadline

During 2016, the Public Procurement Commission has decided not to accept 51 appeals, because they were filed with the PPC and/or with the contracting authorities after the expiry of the deadline. Referring total appeals filed out of after the expiry of the deadline, it turns out that 39% of them belong to the last quarter of the year (October, November, December), 21% to the first quarter of the year, and 20% to the second quarter while 20% belonged to the third quarter.

a) **Table 14: Appeals filed after the expiration of the deadline**



b) **Total number of decisions**

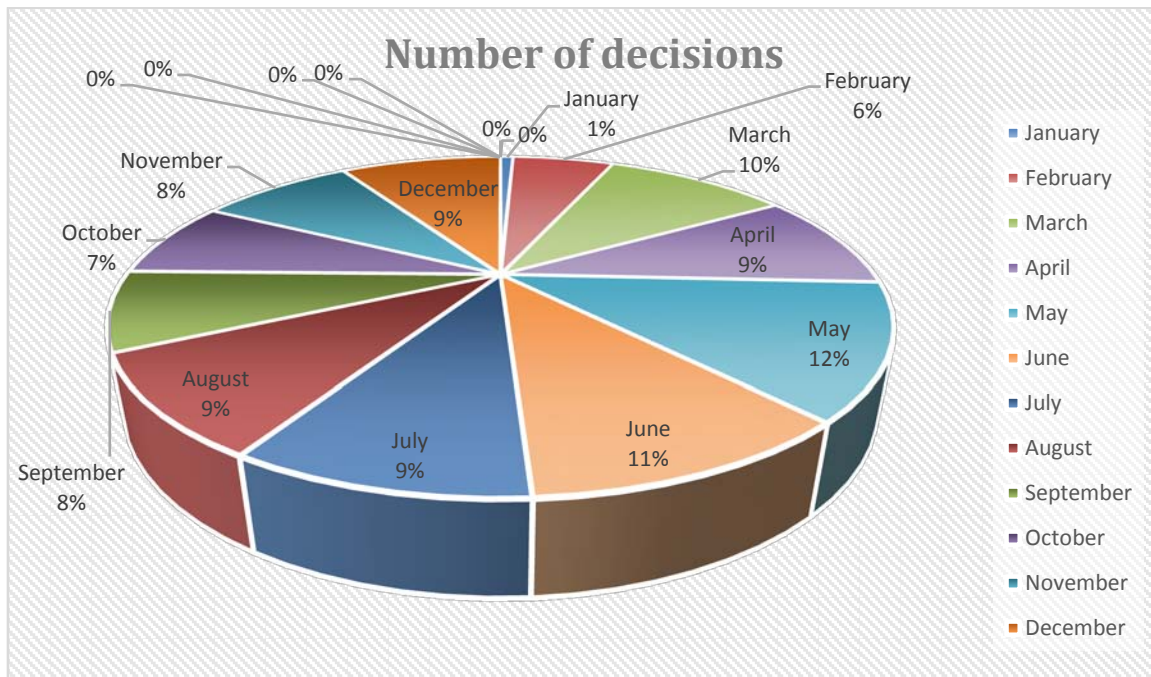
During 2016, the Public Procurement Commission received 1393 administrative appeals. The Public Procurement Commission has ruled for 1001 of them (931 administrative decisions in 2016 and 70 decisions for cases carried forward for review). May is the month, in which more decisions were published and, more specifically, it was 125 decisions, followed by March with 100 decisions and April with 95, while January was the month, in which less decisions were published (7 decisions). The flow of decisions divided by months is presented in a graphic form as follows.

Table 15: Number of decisions by each month

Month	Number of decisions
January	7
February	56
March	100
April	95
May	125
June	108
July	95
August	92

September	76
October	75
November	83
December	89
Total	1001

Table 16: Percentage of decisions per month compared to the total number of decisions



c) Decisions made by the Public Procurement Commission over January – December 2016 and their progress at the court

During the period of January - December 2016, the economic operators but also by the contracting authorities challenged 100 decisions of the Public Procurement Commission to the Administrative Court of First Instance in Tirana, and the Administrative Court of Appeal by. The Administrative Court of First Instance and the Administrative Court of Appeal has upheld the decision of the PPC for 60 cases among these decisions that were challenged to the court, while there were 16 appeals, which were completed and, in which the appeal was granted, of which 13 were fully granted and 3 appeals were partly granted. Meanwhile, 24 decisions of the Public Procurement Commission continue to be under trial. The analyzing of the data cited above show that the Public Procurement Commission received 1393 appeals in 2016, for which the Public Procurement Commission has ruled for 1001 of them (931 administrative decisions in 2016 and 70 decisions for cases carried forward for review). Seen in relation to the number of decisions appealed to the court, it's noted that only 7% of the decisions of the Public Procurement Commission were appealed to the court whereas

93% of them were not challenged.

In terms of the number of challenged decisions, it concluded that in 60% of cases the Decision of the Public Procurement Commission was upheld.

The following graphical presentation shows the progress of the decisions:

Table 17: Decisions challenged at the court

Court proceedings during January-December 2016. The Administrative Court of First Instance and Administrative Court of Appeal has ruled:	Number of cases
Appeal dismissed	60
Appeal fully granted and appeal partially granted	16 (13+3)
Under trial	24
TOTAL (PPC DECISIONS 2016)	100

Table 18: Decisions challenged at the court

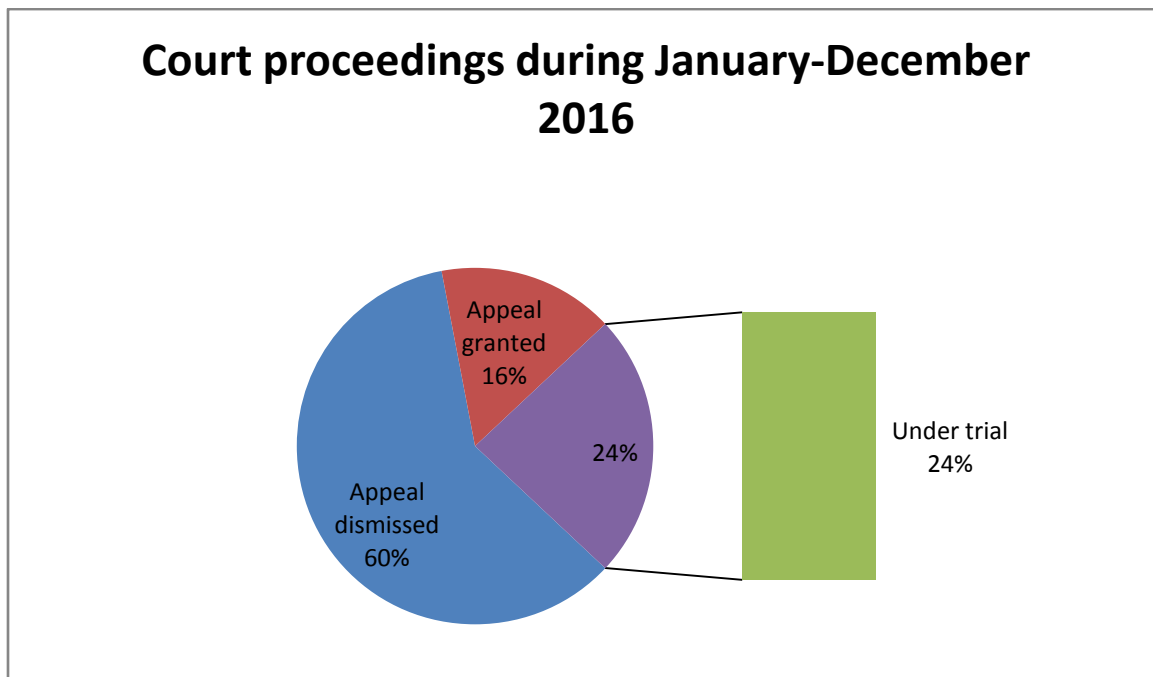
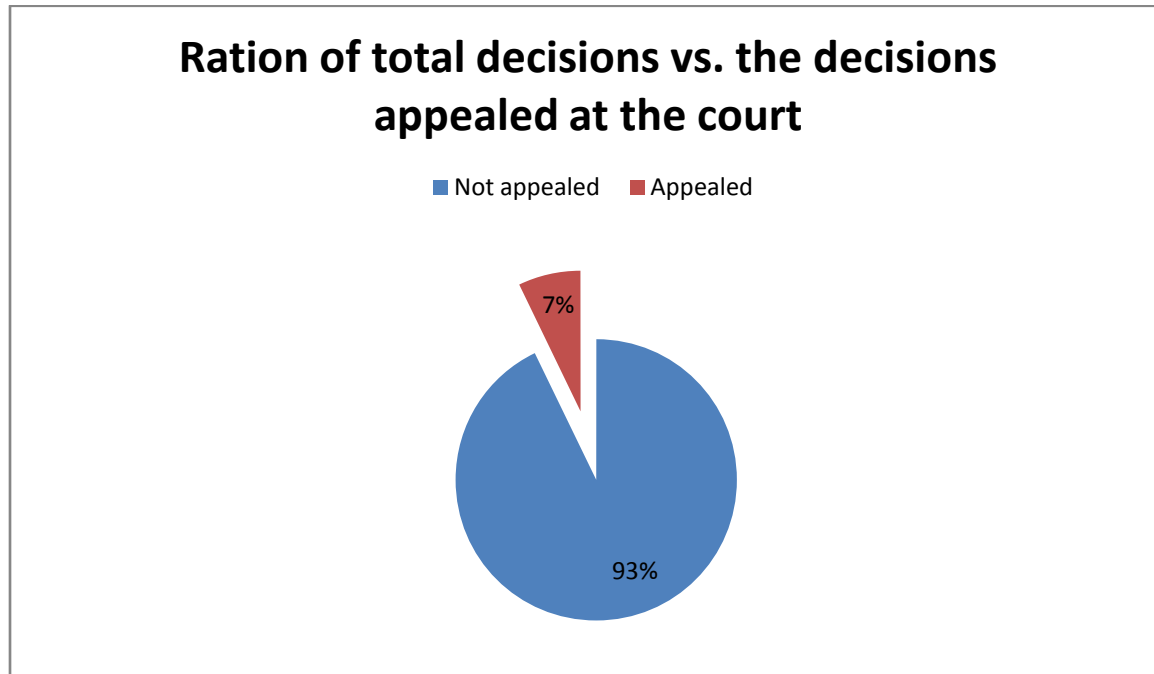


Table 19: Total number of decisions vs. appealed decisions

IV. BUDGET 2016

1. Execution of the Public Procurement Commission budget in 2016

Based on Law no. 9936, dated 26 June 2008 "On budget system management in the Republic of Albania", the Law no. 147/2015 "On 2016 budget ", as well as Law no. 9228, dated 29 April 2004 "On accounting and financial statements", the process of planning and implementation of the 2016 budget, and the budget situation with the budget execution indicators of the Public Procurement Commission, for the period January - December 2016 is as follows:

Overheads, based on budget 2016 (including all budget items 600, 601, 602, 231), amounted at the end of 2016 to 25,579.2 thousand Albanian Leks out of 33,000.0 thousand Albanian Leks, which is the 2016 budget, thus being executed at the range of 77.5% of the annual plan or, with a shortfall of approximately 7,420.8 thousand Albanian Leks.

Table 20: Budget execution in 2016

Item	Description	2016 budget in thousand Albanian Leks	Execution in 2016	
			In thousand Albanian Leks	in %
87	Public Procurement Commission	33,000.0	25,579.2	77.5%
01130	Public Procurement Service			

Current expenditure in 2016 reached the amount of 25,000.6 thousand Albanian Leks, or approximately 78.1% of the budget of 2016, resulting in a shortfall of approximately of 6,999.4 thousand Albanian Leks.

600 - Item - "*Salaries*", which is the first item, 600, shows that 17,972.8 thousand Albanian Leks was used, out of 21,800.0 thousand Albanian Leks that is the budget of 2016. So, there is a use of the wage fund at the rate of almost 82.4%.

601 - Item 601 "*Social and health insurance contributions* ", resulting in an execution of 2,772.7 thousand, out of 3,200.0 thousand Albanian Leks, which was the 2016 budget, then executed almost 86.6%.

602 - Item 602, the "*Costs of goods and services*", in 2016, resulting in an annual execution of 4,255.1 thousand Albanian Leks out of 7,000.0 Albanian Leks, which was the 2016 budget for the PPC institution, or approximately 60.8% of the annual plan.

Capital expenditures by the end of 2016 were executed at 578.6 thousand Albanian Leks, or approximately 57.9% of the annual plan, resulting in a shortfall of approximately 421.4 thousand Albanian Leks.

2. Presentations about the sufficiency of funds

Based on the indicators of the table below, it may be seen that the economic situation in 2016 for the PPC has been favorable. In general, all budget items are executed within the amount as planned in the 2016-2018 Medium Term Budget Program. Most important and necessary expenses and investments for the Public Procurement Commission are implemented efficiently, thus making it possible for the work to proceed more effectively and meet the needs of employees for a suitable working environment.

So, making a summary of the adequacy of the use of funds in 2016 by the Public Procurement Commission for all the items of the budget, the situation is as follows:

Table 21: Analytical data of budget execution

Item	Description	2016 budget in thousand Albanian Leks	Execution in 2016	
			In thousand Albanian Leks	In %
600	Wages	21,800.0	17,972.8	82.4%
601	Social & health insurance	3,200.0	2,772.7	86.6%
602	Other goods and services	7,000.0	4,255.1	60.8%
600 - 606	TOTAL current expenditures	32,000.0	25,000.6	78.1%
231	Capital expenditures	1,000.0	578.6	57.9%
231	TOTAL capital expenditures	1,000.0	578.6	57.9%
	TOTAL BUDGET	33,000.0	25,579.2	77.5%

3. Off-budget revenues

a) Indicators on the off-budget revenues

Appeals to the Public Procurement Commission are filed against payment, as provided for in Article 63, Paragraph 10 of Law no. 9643, dated 20 November 2006 "*On public procurement*", as amended. The rules of payment and the fees are determined by the Council of Ministers. There are 4 Decisions of the Council of Ministers in force that regulate fees and rules of their payment for the appeals to the Public Procurement Commission. This included the Decision of the Council of Ministers No. 261, dated 17 March 2010 "*On setting the fee and rules for its payment, in an appeal procedure, to the Public Procurement Commission*", the bylaw, which regulates the procedures and fees for appeals in public procurement procedures, Decision of the Council of Ministers No.. 401, dated 13 May 2015 "*On setting the fee and the rules for its payment in a procurement procedure of Concession/Public Private Partnership to the Public Procurement Commission*"; the bylaw, which regulates the procedures and fees for the appeals procedures of concession/public private partnership, Decision of the Council of Ministers No. 56, dated 19 January 2011 "*On setting the fee and the rules for its payment in an appeal procedure against the Public Auction Procedures or against the decision of exclusion from them to the Public Procurement Commission*", a bylaw, which regulates the legal the procedures and fees for appeals in the public auction, as well as Decision of the Council of Ministers No. Nr. 301, dated 20 April 2016 "*On some amendments and additions to the Decision of the Council of Ministers No. 320, dated 21 April 2011, "On the approval of the procedure of the competition criteria and deadlines to review the application for obtaining mining permits in the competition areas*", a bylaw, which regulates the procedures and fees for appeals in the competitive procedures of mining permits.

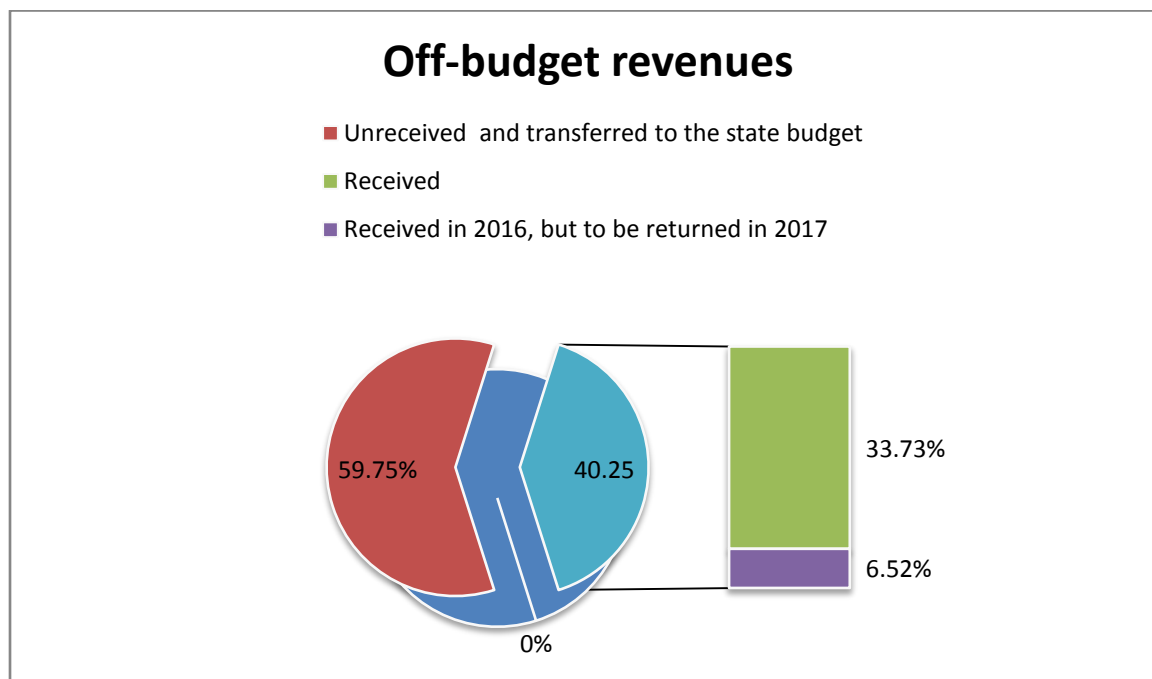
Referring to the above bylaws, payment of fee is returned to the appellant, when, at the end of the

appeal process, his appeal is accepted. When the appeal is rejected, the revenues received from the appeal fee are deposited 100 percent to the state budget. **46,121,816** Albanian Leks was the total amount returned during 2016 to the appealing economic operators, whose appeal was granted on the basis of the decisions made by the Public Procurement Commission until 31 December 2016, while the amount of **81,703,907** Albanian Leks resulting from decisions, which were not in favor of the appellants, was transferred to the state budget. An amount of **8,923,860** Albanian Leks will be added to the two above mentioned decisions. This is an amount, which was collected by the PPC in 2016 and, which was related to decisions that were made by the PPC in 2016, but given that it was not possible to return within the year, they will be returned to the appealing operators during 2017.

Referring to the above, the Public Procurement Commission collected 136,749,583 Albania Leks in 2016 as off-budget revenues.

Table 22: Off-budget revenues

	Total revenues in 2016	
	In Albanian Leks	In %
Received and returned back to the appellants	46,121,816	33.73%
Received and transferred to the state budget	81,703,907	59.75%
Received in 2016, but to be returned in 2017	8,923,860	6.52%
TOTAL revenues collected in 2016	136,749,583	100%

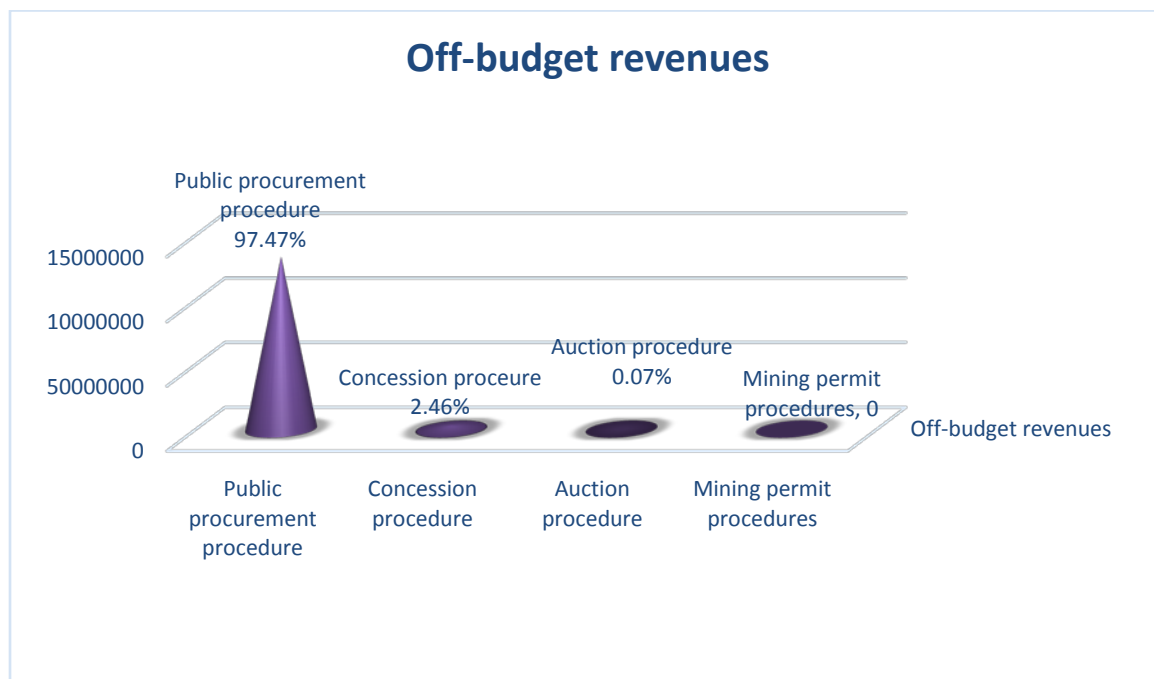
Table 23: Statistical data in % of the total of the off-budget revenues

The analysis of the statistical data shows that 133,292,602 Albanian Leks out of the total off-budget or 97.47% of revenues come from fees collected for appeals about public procurement procedures, followed by 0.07% of revenues coming from fees collected for appeals against public auction procedures while 2.46% of revenues of collected fees are for appeals against concession/PPP procedures.

Table 24: Summary by scope of appeals

	Cases with payment		Payment amount	
	Number	%	Amount in Albanian Leks	%
Public procurement procedure	1,387	99.57%	133,292,602	97.47%
Concession procedure	1	0.07%	3,362,500	2.46%
Auction procedure	5	0.36%	94,481	0.07%
Mining procedure	-	0.0%	0	0.00%
TOTAL	1,393	100%	136,749,583	100%

Table 25: Statistical data in % of total off-budget revenues by cope of appeals

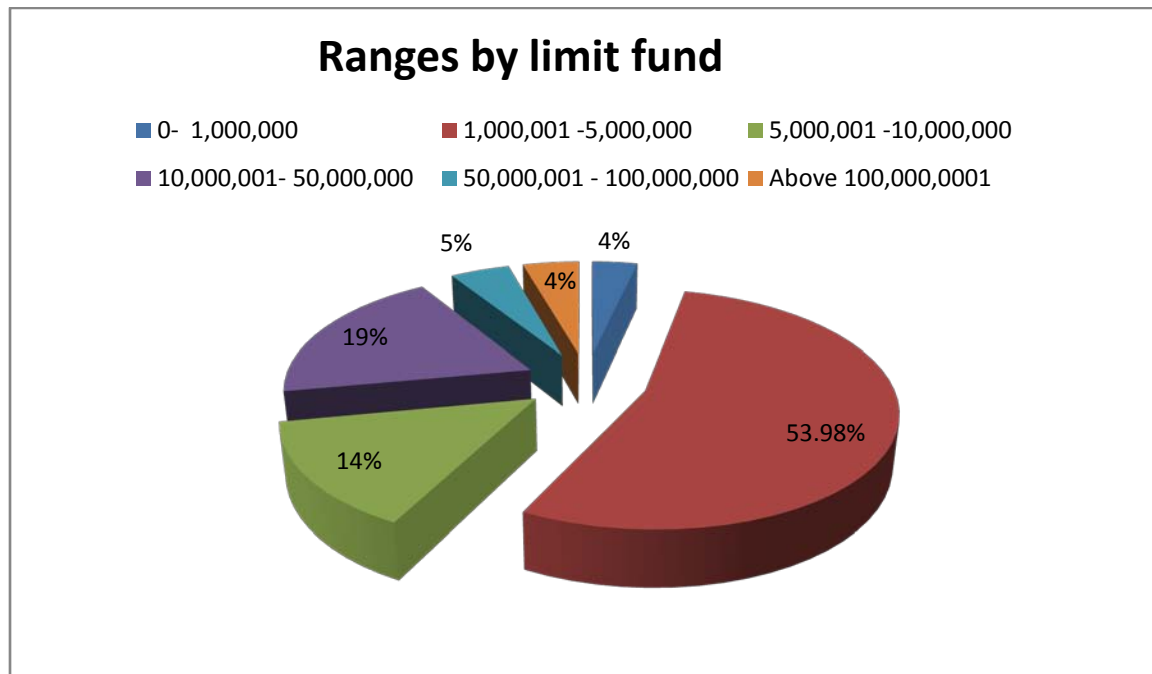


When analyzing the statistical data of the review of appeals during 2016, and referring to 6 the ranges of the limit funds of the procurement/auction/mining permits and concessions and PPPs as review in 2016 it's concluded that 53.98% of appeals administered at the PPC during the reporting year are related to the procedures of the limit fund from 1,000,001 Albanian Leks excluding VAT to 5,000,000 Albanian Leks excluding VAT. In a summary, the statistical data based on the limit fund, bid security or investment value a determined in each specific case by the contracting authorities is as follows:

Table 26: The number of appeals filed by range of limit fund

Limit fund rage without VAT		Procurement procedures to the PPC with payment	
From	To	Number of cases	In %
0	1,000,000	49	3.52%
1,000,001	5,000,000	752	53.98%
5,000,001	10,000,000	202	14.51%
10,000,001	50,000,000	265	19.02%
50,000,001	100,000,000	64	4.59%
Over 100,000,0001		61	4.38%
TOTAL		1,393	100.00%

Table 27: Statistical data in % of the of appeals filed by ranges of limit fund



V. TABLE OF CHALLENGES ENCOUNTERED WHEN REVIEWING THE APPEALS

1. Tender documents and drafting of suitability criteria not in compliance with the legal provisions

Drafting of tender documents, mainly drafting of suitability criteria and technical specifications, which are not in accordance with the legislation in force or the subject matter of the contract, remain subject to judgment by the PPC. Setting of discriminatory criteria or definition of technical specifications either directly or indirectly in violation of the law affects directly the establishment of the conditions to avoid competition or to favor certain entities, thereby affecting the basic principles of public procurement law.

Instances when economic demands presented by the contracting authorities are contrary to public procurement rules, because they are exaggerated and openly discriminate small businesses or newly created ones have been found when handling the appeals. There are also instances when technical specifications have not been in accordance with the scope of procurement or they are substantially addressed to a particular brand, thus establishing in this way unequal conditions for bidders.

It's precisely because such irregularities violate the legitimate rights of the economic operators and

affect the legality of the procurement process as a whole, special attention has been given to finding them and to the recommendations drafted by our institution, thus asking the contracting authorities to modify or change the tender documents.

2 . Incorrect estimate of legal cost by contracting authorities in cases of the procedures of the procurement for security with private guards

Another very important problem, which PPC mostly addresses, is the procedures of physical security service. The main specificity of the appeals scope remains the inaccurate estimate of legal costs in cases of procurement procedures for providing security with private guards by the contracting authorities, as well as by the economic operators, which fail to comply with the legal obligations related to compulsory items, which affect the legal minimum cost that is required for one private guard. They fail to comply with this when they submit their bids, as well as when they execute the contracts. Based on this fact, but also on the large number of appeals filed with the Public Procurement Commission about this issue, as expressed earlier the latter has unified its position by instructing the contracting authorities through a joint recommendation in cooperation with the Public procurement Agency and respectively "*Recommendations on how to develop procurement procedures for obtaining private security guards service*", dated 01 April 2015, a recommendation, which didn't undergo any amendments in 2016.

3. Failure to respect Article 63 of the PPL in relation to the suspension of the continuation of procurement procedures by contracting authorities until the complete review of the appeals.

It has been found in many procurement procedures that the contracting authorities have failed to respect the legal deadlines of appealing, after they have published in the electronic procurement system the announcement of the winner as of the day following the date that appeals is handled by them, thus leaving no time for the economic operators to file their appeal with the Public procurement Commission, although the law has clearly defined in Paragraph 3 of Article 63 that: "*Upon receipt of a written complaint, the contracting authority shall suspend the continuation of the procurement procedure until the appeal has been fully reviewed, including making of a decision before the expiry of the deadline that is laid down in paragraphs 5 and 6 of this Article.*"

Failure to respect these deadlines, not only constitutes a violation of procedure, but it also runs against the very purpose, for which they are defined, that is providing the economic operators with the opportunity to prepare their appeals. This situation is the same also in cases of filing appeals in relation to the drafting of tender documents when the contracting authorities don't suspend the procedure in the an electronic procurement system.

It was found that several contracting authorities had failed to comply with the deadlines of appeals and the Public Procurement Commission has in all those cases pointed out the cases of appeals related to tender documents and it has provided specific recommendations seeking the cancellation of the procedure and its re-publication in accordance with the findings and the applicable law.

Cancellation of the procedure for failing to respect the law has forced, on one hand, the contracting authorities to fully respect it the course of developing the procedures, whereas on the other hand this thing has extended deadlines for the implementation of public contracts.

4. Challenges encountered during the development of the form of the appeals' from by the economic operators and correct reflection of the reasons for disqualification

Another problem, which continues to appear in the appeals of economic operators, is the completion of "appeal form" according to the Standard Appeal Form, part of the tender documents. The appealing economic operators fail to fill all the columns specified in the form or sometimes, due to insufficient knowledge of the law, they fail to fully pose their claims and the alleged legal violations. This has created difficulties in handling appeals, because claims of the appellants weren't clear.

The right to challenge an administrative decision within the legal deadline is a right enshrined in the public procurement legislation. For this reason, contracting authorities are obliged to respect not only the procedural conditions and deadlines set for this purpose, but must respect the principle of transparency, where the decision about a bid must necessarily be transparent and a clear administrative decision.

As above, insufficient knowledge of the causes of the rejection of the bid creates confusion among economic operators and reduces their chances for a clear administrative appeal. The fact that the electronic system generates relevant notification of qualification or disqualification doesn't preclude the contracting authorities from responsibility, because they are obliged to publish in the system all the reasons for the rejection of a bid.

5. Failure of the contracting authorities to enforce the decisions made by the Public Procurement Commission, through their appeal to court

Even this year it's important to present once again the concern about some contracting authorities, which have failed to enforce the decisions made by the Public Procurement Commission, but which but have continued with the challenging of the Public Procurement Commission before the appropriate court by seeking the cancellation of the decision as unfair and against the law. This fact in most cases has consequently led to the suspension of the implementation of decisions made data by the Public Procurement Commission, therefore running completely against Article 64/3 of Law No. 9643 dated 20 November 2006 "*On public procurement*", as amended, which clearly stipulates that the review of an appeal by court doesn't suspend the procurement procedures.

6. Duration of the appeals' review

Regarding the problems encountered during the work, the main difficulties consist in respecting legal deadlines of reviewing the appeals and consequently in decision-making. This is a difficulty

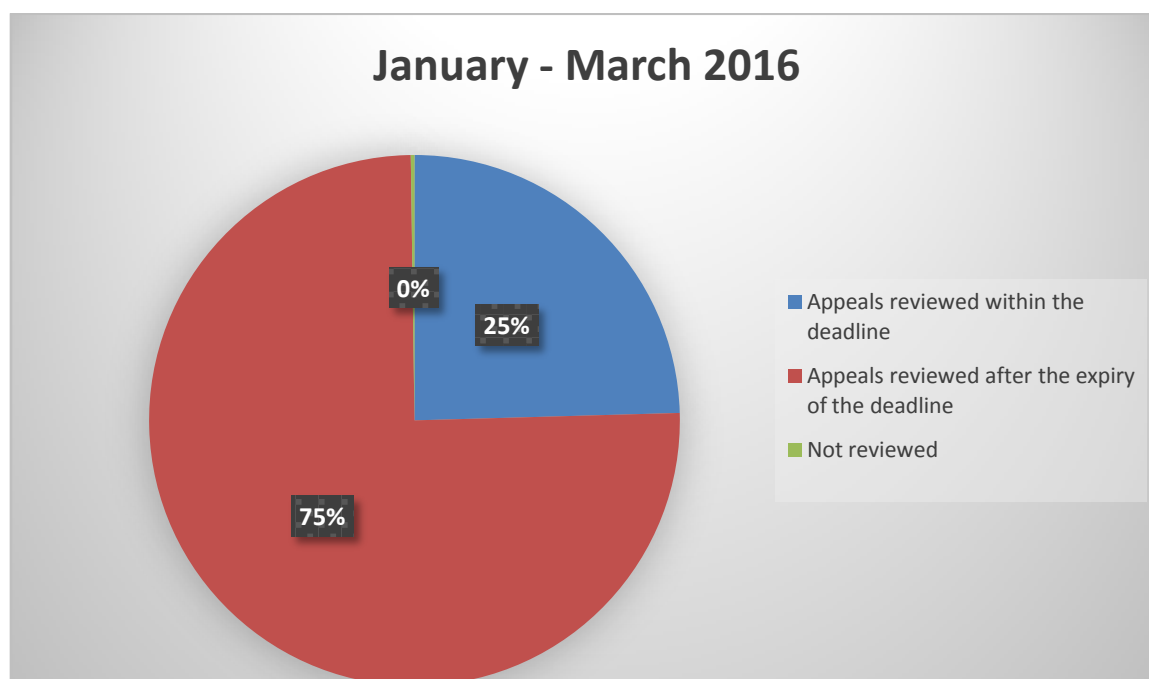
that is related to delays of delivering the information and the required documentation by the contracting authorities. Second, in 2016, the Public Procurement Commission underwent a process of restructuring due to changes in the internal organizational structure, which has resulted in the performance of its activities, particularly in the second quarter of the year, with reduced staff.

Duration of appeal's review by the Public Procurement Commission is regulated by Article 63, Paragraph 9 of Law No. 9643 dated 20 November 2006 "*On public procurement*", as amended, which states that "*Upon receipt of a written appeal of the appellant, the Public Procurement Commission shall respond in writing within 7 days. When information is required from the contracting authority to examine the appeal, the Public Procurement Commission shall respond in writing as defined in the Decision of the Council of Ministers No. 149, but no later than 10 days after receipt of information*".

Reviewing of the appeals within the deadline was also a challenge in 2016. For the purpose of issuing statistical data, the reporting year is divided into 4 periods (three months) for analyzing the data.

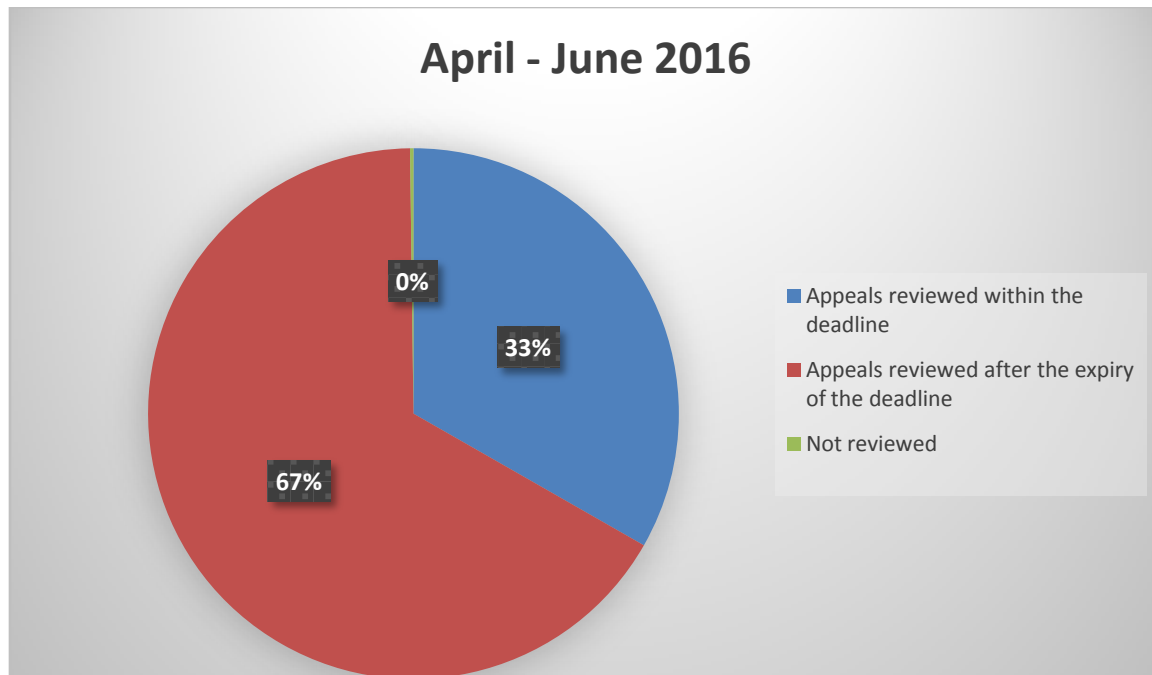
The Public Procurement Commission received 448 appeals in the first three months of the reporting period, while one appeal still remains suspended and without a merits decision. It turns out that only 142 appeals were handled within the deadline provided above during the first quarter of the year. It results that 75% of appeals of the first quarter of the year were reviewed after the expiry of the deadline prescribed by law while 25% of the appeals were reviewed within the deadline.

Table 28: Results of Quarter I



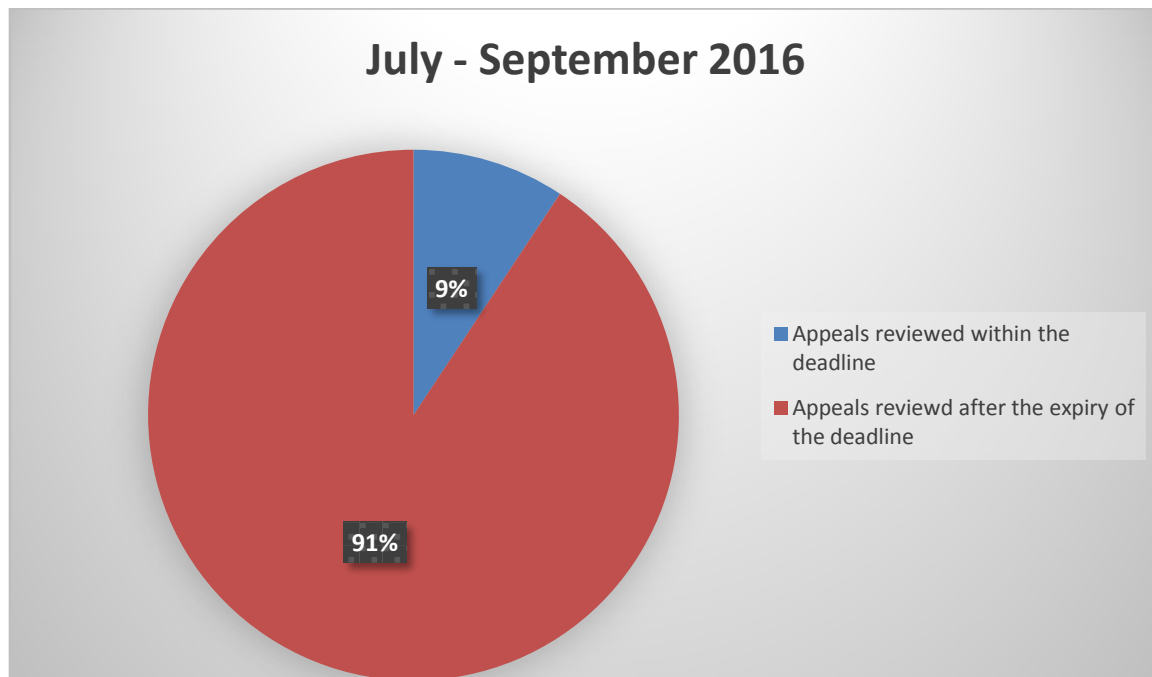
The Public Procurement Commission received 481 appeals in the second quarter of the reporting period, while one appeal still remains suspended and without a merits decision. It turns out that only 160 appeals were handled within the deadline provided above. It results that 67% of appeals of the first quarter of the year were reviewed after the expiry of the deadline prescribed by law while 33% of the appeals were reviewed within the deadline.

Table 29: Results of Quarter II



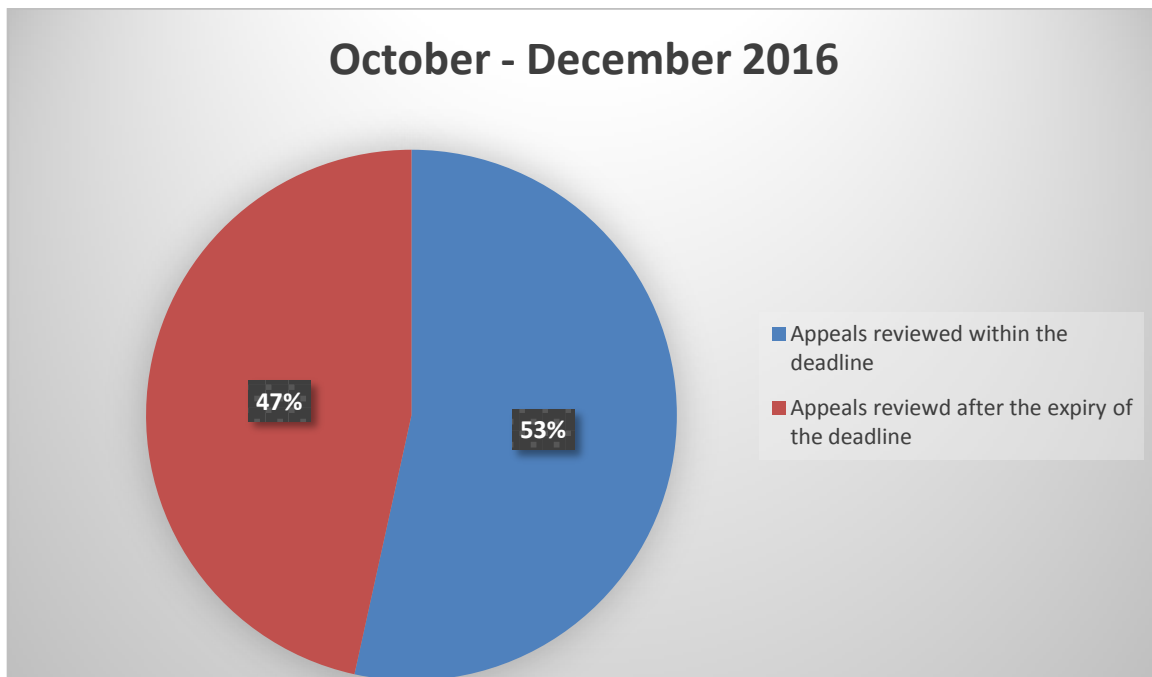
The Public Procurement Commission received 290 appeals in the third quarter of the reporting period, while one appeal still remains suspended and without a merits decision. It turns out that only 27 appeals were handled within the deadline provided above. It results that 91% of the appeals of the third quarter of the year were reviewed after the expiry of the deadline prescribed by law while 9 % of the appeals were reviewed within the deadline.

Table 30: Results of Quarter III

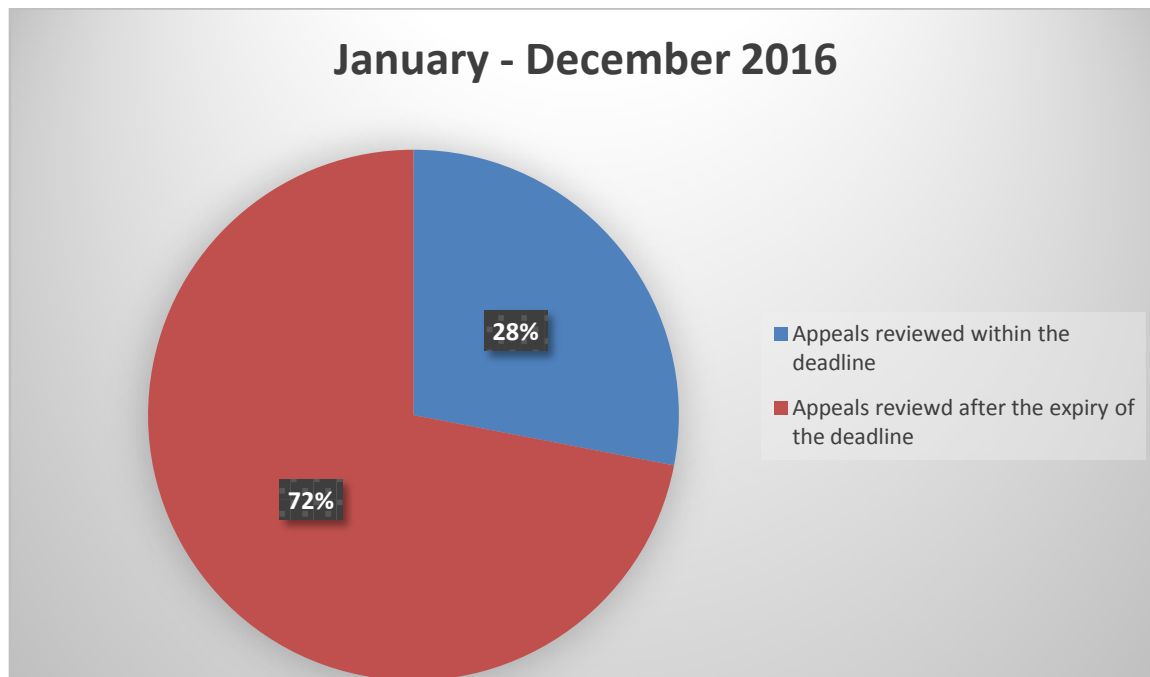


The Public Procurement Commission received 174 appeals in the third quarter of the reporting period, while one appeal still remains suspended and without a merits decision. It turns out that only 93 appeals were handled within the deadline provided above. It results that 47% of the appeals of the fourth quarter of the year were reviewed after the expiry of the deadline prescribed by law while 53 % of the appeals were reviewed within the deadline.

Table 31: Results of Quarter IV



Reviewing of the filed appeals within the deadline was also a challenge during 2016. Specifically, it turns out that 72% of appeals were reviewed (a final decision has been made) after the expiry of the deadline provided for by the special law, 28% of appeals were reviewed (a final decision has been made) within the deadline.

Table 32: January - December 2016

VI. OBJECTIVES FOR THE NEXT YEAR

Transparency and timely decision-making and enhancement of the service quality in our work towards the economic operators and the public will continue to be our objective for the fact that it has already been tested that enhancement of the transparency in our work has increased the confidence of economic operators to Public Procurement Commission. Respecting of the deadline is also related to timely accomplishment of investments and necessary services for the public.

Special attention will be paid, inter alia, in the coming period to the following objectives:

- Strengthening and further qualitative building of the professional capacity of the institution in order to increase the effectiveness of work for the prevention of abusive actions in procurement, concessions, mining permits and auctions procedures. Increasing the number and building of the professional capacity of the staff. Referring to the statistical data and continuous monitoring of the work, it's judged that, in addition to filling the current vacancies, the structure of the institution will be revised in terms of building the capacity of the human resources with qualified staff.
- Increased participation of the staff in training in the frame of the institution capacity building, especially in programs, training, projects at an international level, related to the areas subject to the functions of the PPC.
- Building and completion of the electronic archive - it will bring a significant time saving required

for documentation management;

- Filing of appeals electronically - to achieve this objective it is necessary to intervene to supplement the legislation, as well as cooperation with the National Agency for Information Society and National Electronic Certification Authority. In addition, in order to achieve this goal there is a need to approve additional funds from the state budget and/or cooperation with other donors (World Bank, EU, etc.) to cope with this challenge;
- Improvement of the image of the institution through the decisions, which are well-reasoned and in full compliance with the legislation in force with the single intention of the proper management of public funds.
- Increase the transparency of the work of the PPC – the necessary steps are being taken to this effect to enable the public to access through our site the information about the filed appeals, starting from the moment when they are filed up to the moment when the final decision is made;
- Increased cooperation with other countries in the region, as well as various international organizations dealing with public procurement.
- Increase cooperation with the Public Procurement Agency for cases of finding the illegality of the contracting authorities' actions and administrative measures against the responsible officials.
- Avoidance of irresponsible appeals by proposing the increase of the fee financial threshold for appeals against procedures with a limit fund of less than 8,000,000 Albanian Leks.
- Proposal for amendments to the legislation about the extension of the appeals review period by the Public Procurement Commission.
- Publication of a 6-months (periodic) edition of the Public Procurement Commission about the cases reviewed by the latter on the consolidation/changing of the practice, the interpretation of legislation in cases treated for the first time (or changing of practice) in the form of a manual for the contracting authorities (the Bid Evaluation Committees and Appeals Review Committees) as well as economic operators.
- Digitization of the database of the decisions made by the Public Procurement Commission from 2010 onwards by providing and easy access to public search about the manner of handling various and specific cases in the future (case study).